

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	SACV 24-01445-WDK (AS)	Date	March 11, 2025
Title	<i>Jerry Benjamin Soper III v. City of Huntington Beach, et. al.,</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not present

Not present

Proceedings (In Chambers):

ORDER TO SHOW CAUSE RE LACK OF PROSECUTION

On February 3, 2025, the Court issued an Order discharging it previously issued Order to Show Cause, dismissing Plaintiff's First Amended Complaint with leave to amend, and directing Plaintiff to file a Second Amended Complaint if he wished to pursue this case. (Dkt. No. 20). Plaintiff was ordered to file a Second Amended Complaint within 30 days from the date of the Court's Order. (*Id.* at 15). Since the Order was issued on February 3, 2025, Plaintiff was required to file a Second Amended Complaint no later than March 5, 2025. Plaintiff was "explicitly cautioned that failure to timely file a Second Amended Complaint, . . . may result in a recommendation that this action, or portions thereof, be dismissed with prejudice for failure to prosecute and/or failure to comply with a court order. *Id.*

To date, Plaintiff has failed to file a Second Amended Complaint, seek an extension of time to do so, or otherwise communicate with the Court. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE, in writing, no later than April 1, 2025**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a Second Amended Complaint that complies with the February 3, 2025 Order dismissing Plaintiff's First Amended Complaint, (Dkt. No. 20), a copy of which is attached to this Order, or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a Second Amended Complaint.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). A notice of dismissal form is attached for Plaintiff's convenience.

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Plaintiff is warned that a failure to timely respond to this Order **will** result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

IT IS SO ORDERED.

cc: William D. Keller
United States District Judge

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Initials of
Preparer